

***Planning Commission Work Meeting Minutes  
Thursday, July 21, 2022  
City Council Chambers  
220 East Morris Avenue  
Time: 7:00 p.m.***

**Commission Members Present:**

Laura Vernon, Chair  
Jeremy Carter  
Chad Ewell  
Stacey Holscher  
Mary Anna Southey  
George Pechmann  
Olivia Spencer

**Staff Members Present:**

Randy Sant, Interim Community Development Director  
Eliza Ungricht, Interim Deputy Community Dev. Director  
Hanna Tuia, City Planner  
Brienne Brass, Deputy City Attorney

**Others:**

Michael Brodsky, Hamlet Development  
Susan Brodsky, Hamlet Development  
Brittany Karzan  
Milton Tuia

Chair Laura Vernon called the meeting to order at 7:00 p.m.

**Pledge of Allegiance:**

**Commissioner Pechmann**

**APPROVAL OF AGENDA**

**Motion to Approve the Agenda, as written.**

**Motion:**

**Commissioner Carter**

**Second:**

**Commissioner Pechmann**

**Vote:**

**Commissioner Carter – Aye;  
Commissioner Ewell – Aye;  
Commissioner Holscher – Aye;  
Commissioner Southey – Aye;  
Commissioner Pechmann – Aye;  
Commissioner Spencer – Aye;  
Chair Vernon – Aye.**

**The vote was unanimous.**

## **NEW BUSINESS**

### **1. Public Meeting – S-22-003 – A Petition to Amend Lot 1 of an Existing 62-lot Subdivision into an 8-Lot Condominium for a Mixed Use Building.**

#### **Action Item**

**Applicant:** Hamlet Development  
**Address:** 3453 South State Street

Interim Deputy Community Development Director, Eliza Ungricht, reported that the above item came before the Planning Commission last summer. It involved a condominium plat for a townhome project located at State Street and Winslow Avenue. It was previously a subdivision plat and the developer was seeking to amend the plat to condominiums. A mixed-use building was proposed with the first floor to be rented for commercial use with the resident units above the commercial. The property is located in the Commercial Corridor. She presented the approved building elevations and highlighted the commercial spaces that are bumped out. There will be a total of eight units. Ms. Ungricht presented the approved plat and reported that there are 68 townhomes in the development. The application pertains only to the front lot that the developer seeks to subdivide into eight lots.

Ms. Ungricht presented the proposed Final Plat showing eight total units that were broken down between condominium space and commercial space. Staff recommended that the Planning Commission move to approve with conditions the Petition to amend one lot in an existing 62-lot subdivision into an eight-lot condominium project for a mixed-use building at 3453 South State Street. The recommendation was based on the analysis and conditions set forth in the Staff Report.

Chair Vernon asked if the subdivision would continue to meet the open space requirements if the lot were subdivided into eight lots. Ms. Ungricht explained that it would amend the original plat. She noted that the open space requirements were met with the original plat. Subdivision of the lot would not impact the open space requirements as it was previously platted as a lot rather than open space.

Commissioner Carter noted that the commercial space was not broken up the same as the condominiums and questioned how that impacted the lot lines for the units. Michael Brodsky identified himself as the owner of Hamlet Development and stated that he also serves as the General Contractor for the construction of the entire development including this specific building. Mr. Brodsky reported that this development was fully approved nearly one year ago including all of the infrastructure that serves both the townhomes and the mixed-use condominium building. The proposed building was part of the original submission. He reported that the requirements for a condominium are different than for a fee-simple townhome. While the townhomes are attached, they are on individual lots.

Mr. Brodsky indicated that the condominium plat cannot be recorded until the building is completed. Therefore, they were unable to file the petition to approve the condominium plat. He

noted that the plat before the Commission represented an as-built drawing. His Engineer performed a survey of the as-built conditions to create the plat under consideration. There were eight residential condominiums located on the second and third floors of the building. A two-car garage would be appurtenant to each of the eight units and owned by the homeowner. In addition, there are four additional commercial condominiums. In total, there are 12 separate condominiums in the building.

Mr. Brodsky reported that the first floor was originally comprised of four separate commercial units. The unit on the far south side of the building was built as a community clubhouse for the entire neighborhood and includes a meeting room, small kitchen, mailboxes, and an exercise facility. Mr. Brodsky stated that if the request were approved, he could record the condominium plat and begin selling the commercial and residential units.

Commissioner Pechmann noted that the request is for an eight-lot condominium. Mr. Brodsky clarified that the building has 12 condominiums and agreed that the language should read 12 lots rather than eight. He reiterated that there are eight residential and 4 commercial units. Commissioner Pechmann commented that the building is currently zoned as one lot. If approved, it should increase from one to 12 lots.

Mr. Brodsky suggested that the motion be changed to reflect this point. He stated that the condominium plat clearly shows the individual units as they were shown when the original subdivision was approved. Chair Vernon appreciated this explanation.

Mr. Brodsky commented that two of the commercial units were leased to a hair salon that is already permitted and under construction. The building was expected to be completed sometime in October, including the hair salon and clubhouse. Ms. Ungricht confirmed that the correct number of units is 12.

Commissioner Carter expressed concern with the overlap of the subdivision over another and wondered if they could stack plats. Ms. Ungricht clarified that this application sought only to amend the subdivision to remove the original Lot 1 and replace it with the condominium plat. Commissioner Pechmann observed that Commissioner Carter's concern was related to the footprint of the ground owned. Commissioner Carter agreed and stated that based on the elevation, the second and third floors will overlap the first-floor commercial plat. He questioned whether that was common and would cause problems going forward. He did not recall any other circumstance where they stacked subdivisions.

Deputy City Attorney, Brienne Brass, stated that the configuration does not present a problem and explained that pursuant to State law, condominium plats are heavily regulated. If they meet the requirements of one of the Condominium Acts, Utah Code states that the municipality "shall" approve a condominium plat if it meets the Code requirements. She stated that the applicant has met all City Code requirements when the final subdivision plat was approved. Ms. Brass explained that this is almost a technicality since the applicant already met all other City requirements. She remarked that they might not have had a recent project like this, but it is

allowed and lawful. She reiterated that if the applicant meets all City requirements for platting, the language requires that it be approved.

Mr. Brodsky added that this is a common condominium configuration. He noted that with condominiums, the individual owners do not own the land. The Condominium Association owns the land that the building sits on as well as the structure from the paint inside out to the exterior of the building. He explained that it is not unusual to have a stacked plat condominium where one person owns the townhomes and another owns the commercial units. The condominium owner also owns the garage on the first floor. He emphasized that the condominium owners own the airspace inside the unit but not the structure itself. The Association remains responsible for the maintenance of the building, the structure, the roof, and the foundation. Ms. Ungricht added that the cross-section shows how it would be broken up in the plat.

Mr. Brodsky added that this is a City requirement to approve the zoning for the entire community. The City wants this type of structure on State Street. He was pleased with the way it was coming together and stated that it will enhance what is taking place on State Street. Commissioner Pechmann agreed.

Commissioner Pechmann clarified that there are eight separate residential units and four commercial units.

**Motion to Approve with Conditions the Petition to Amend Lot 1 of an Existing 62-lot Subdivision into a 12-lot Condominium for a Mixed Use Building, located at 3453 South State Street subject to the following:**

**Conditions of Approval:**

- 1. The applicant will continue to work with City staff to make all technical corrections based on the South Salt Lake subdivision ordinance necessary for recording.**
- 2. Prior to plat recordation, the applicant must provide city staff with the final plat Mylar to include notarized signatures of owner's consent to dedication; obtain signatures from all entities indicated on the subdivision plat attached.**
- 3. The applicant must continue to comply with all conditions, standards, and requirements from the original August 19, 2021 subdivision approval.**

**Motion:** Commissioner Pechmann

**Second:** Commissioner Holscher

**Vote:** Commissioner Carter – Aye;  
Commissioner Ewell – Aye;  
Commissioner Holscher – Aye;

**Commissioner Southey – Aye;**  
**Commissioner Pechmann – Aye;**  
**Commissioner Spencer – Aye;**  
**Chair Vernon – Aye.**

**The vote was unanimous.**

**2. Public Meeting – C-22-004 – A Petition to the Planning Commission for Conditional Use Approval for an Animal Kennel/Day Care Commercial Facility**

**Action Item**

**Applicant:** Fluffs & Friends, LLC/Kayla & Nikki Martin  
**Address:** 3839 South State Street

Ms. Ungricht presented the Staff Report and stated that the request is for a Conditional Use Permit for an animal daycare located at 3839 South State Street, which is within the Commercial Corridor. The site plan includes two buildings on the subject property. The Byram Health Building is located on the north side along Rigdon Avenue and the home on the south end of the property is being converted to commercial space for an animal daycare. The animal daycare will include an outdoor play area. The applicant intends to pave an area for parking to comply with the parking standards. Photographs of the site were presented and showed the existing conditions and the location of the proposed business, the proposed parking, and the outdoor play area.

Ms. Ungricht referenced the proposed elevations and noted that not much will change on the exterior of the structure with the exception of the installation of an ADA ramp. On the proposed site plan, Ms. Ungricht explained that there will be one-way only access along the left-hand side from State Street with parking in the back. The exit will be onto Rigdon Avenue. Both one-way drive approaches on State Street are pre-existing on the site.

Ms. Ungricht stated that the owner also plans to add a secured waste container enclosure as a requirement for approval. The Code requires a distance of 150 feet from any residential district for animal daycare and kennels. This business is located within the Commercial Corridor and there are no proximity issues. The owner also plans to install special turf commonly used in dog daycare facilities that can be maintained to reduce odor.

Commissioner Pechmann asked where the wastewater will go after the turf is sprayed off. Ms. Ungricht explained that there are rocks under the turf and the water runs through it to the ground. She noted that most dogs will be small.

The applicant was not present as he lives in Idaho, however, once approved, they will move to South Salt Lake City full-time.

Chair Vernon asked if there would be a daily maximum number of dogs. Ms. Ungricht did not believe there was a maximum as that would be up to Animal Services. One of the conditions of

approval was that Animal Services certify that there would not be an excess number of dogs. She noted that it would depend largely on the size of the dogs.

Commissioner Pechmann observed that condition number 7 requires the applicant to apply for and receive a regulatory permit from Animal Services, which he felt was sufficient.

The conditions of approval enumerated in the Staff report were reviewed.

**Motion to Approve the application submitted for a Conditional Use Permit, C-22-004, to operate an Animal Kennel/Daycare Commercial facility located at 3839 South State Street, based on the Findings of Fact and Conclusions of Law outlined in the Staff Report and the following Conditions of Approval:**

- 1. The applicant shall comply with all the Conditions of Approval below, and within the Conditional Use Permit prior to the release of a South Salt Lake Building Permit and a South Salt Lake Business License.**
- 2. The proposed animal daycare/kennel commercial facility shall meet all requirements of the South Salt Lake Community Development Department, South Salt Lake Fire Marshall, South Salt Lake Building Official, South Salt Lake Engineering Department, South Salt Lake Animal Services, and the Salt Lake County Health Department, and comply with any other applicable local or state regulatory agencies.**
- 3. The applicant shall comply with all applicable International Building Codes and International Fire Codes and must obtain and complete a South Salt Lake Building Permit.**
- 4. The applicant shall obtain a South Salt Lake City sign permit prior to any sign installation.**
- 5. The applicant shall maintain eleven (11) parking spaces onsite at their location.**
- 6. The applicant shall apply for and complete a South Salt Lake commercial business license application.**
- 7. The applicant shall apply for and receive a regulatory permit from South Salt Lake Animal Services. Proof of the regulatory permit from South Salt Lake Animal Services shall be provided within 120 days of the release of the South Salt Lake commercial business license.**
- 8. The applicant shall allow Animal Services to conduct inspections for compliance.**
- 9. The applicant shall comply with other provisions of Title 6.**

10. The applicant shall install and maintain a fence of sufficient strength to prevent the escape of any animal housed within that fencing and such fencing shall be maintained in the condition in accordance with Title 6.28.
11. A staff member shall be outdoors at all times with the dogs to monitor barking and to remove dogs from the outdoor play area when found to be barking.
12. The Salt Lake County Health Department Noise Regulation will be enforced and there will be no loud noise between the hours of 10:00 p.m. and 7:00 a.m. If noise complaints are received by the Community Development Department or the Neighborhoods Department, the City has the right to modify the Conditional Use Permit and it will be amended to reflect such change.
13. The outdoor play area may not be expanded to include other areas of the yard without going through the Conditional Use Permit modification process.

**Motion:**

**Commissioner Southey**

**Second:**

**Commissioner Carter**

**Vote:**

**Commissioner Carter – Aye;  
Commissioner Ewell – Aye;  
Commissioner Holscher – Aye;  
Commissioner Southey – Aye;  
Commissioner Pechmann – Aye;  
Commissioner Spencer – Aye;  
Chair Vernon – Aye.**

**The vote was unanimous.**

### **CONTINUING BUSINESS**

There was no continuing business.

### **PLANNING COMMISSION BUSINESS**

- **Approval of the June 16, 2022, Planning Commission Meeting Minutes.**

**Action Item**

**Motion to Approve the June 16, 2022, Planning Commission Meeting Minutes**

**Motion:**

**Commissioner Holscher**

**Second:** Commissioner Southey

**Vote:** Commissioner Carter – Aye;  
Commissioner Ewell – Aye;  
Commissioner Holscher – Aye;  
Commissioner Southey – Aye;  
Commissioner Pechmann – Aye;  
Commissioner Spencer – Aye;  
Chair Vernon – Aye.

**The vote was unanimous.**

**STAFF BUSINESS – INFORMATION ITEMS**

Ms. Ungricht reported that Liz Gabbitas submitted her resignation as she is moving out of state. She was sad to see her go and would be appointing a New Planning Commission Member shortly.

She next provided a brief outline of the next few meetings. She felt there would not be anything to discuss on August 4, 2022. On August 18, 2022, they plan to have a Conditional Use Permit for consideration as well as a Code update for Title 5 and Title 17. Title 5 addresses business licensing and Title 17 covers land use. Ms. Ungricht reported that they are making changes to bring the Code into compliance with State law.

Chair Vernon commented that it is helpful to know what will be addressed at upcoming meetings.

Interim Community Development Director, Randy Sant, pointed out that they made an offer to another Planner from Ogden City who has the experience to fill an opening. He added that Alexandra White, former Community Development Director, was getting settled in Montana. He felt that in another few weeks they should have her under contract to help with bigger projects, particularly those in the downtown area.

Mr. Sant reported that the Council approved an increase in the Commissioner's stipend, which would be adjusted going forward. City Council Member, Corey Thomas, recommended consideration of the increase. While the proposed increase is small, it is a token of appreciation for all that the Planning Commissioners do for the City.

**ADJOURNMENT**

**Motion to Adjourn:**

**Motion:** Commissioner Pechmann

**Second:** Commissioner Carter

**Vote:**

**Commissioner Carter – Aye;  
Commissioner Ewell – Aye;  
Commissioner Holscher – Aye;  
Commissioner Southey – Aye;  
Commissioner Pechmann – Aye;  
Commissioner Spencer – Aye;  
Chair Vernon – Aye.**

**The vote was unanimous.**

The Planning Commission Meeting adjourned at approximately 7:30 p.m.

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**For Planning Commission**

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**Community Development Director**